

Senate

26 April 2022

Sponsor: Jeremy Cook**Author:** Clarissa Humphreys**Sexual Misconduct and Violence Annual Trend Monitoring Paper for 2020/21****Proposed Resolution**

Senate Committee is asked to:

- a) **discuss** the case trends in sexual misconduct and violence impacting the University community during the 2020/21 academic year and how the University is responding to these issues in accordance with current sector guidance;
- b) **note** that the annual trend monitoring paper for 2020/21 has been endorsed to Council for information.

Appendices:**Appendix 1** – Disclosures and Reports of Sexual Misconduct and Violence: Data & Discussion**Appendix 2** – Climate Survey for Prevalence Data**Appendix 3** – Expert Review**Appendix 4** – Current Sector Guidance and References**Previous Committee Consideration and Financial Approvals:**

Audit and Risk Committee (24 March 2022); UEC (22 March 2022); SASC (7 April 2022); Senate (26 April 2022) and Council (10 May 2022).

1. Executive Summary

- 1.1 This paper provides a summary of the trends identified through the central recording of disclosed and reported incidents of sexual misconduct and violence (SMV) and related policy breaches as defined under the Sexual Misconduct and Violence Policy (SMV Policy) and related procedures. It will highlight key themes and issues arising from the reported data¹ during the 2020/21 academic year. Statistics including the raw data are in **Appendix 1**. This paper is produced annually for assurance purposes in accordance with best practice identified in sector guidance and expectations set by the Office for Students [OfS] (Humphreys & Towl, 2020; OfS, 2021; AVA, Universities UK and NUS, 2021). It is important to note that the *Sexual Misconduct and Violence Operations Group (SMVOG) Annual Report* for the 2020/21 academic year was shared with University governance committees during the first academic term of 2021. Likewise, the SMVOG Annual Report for the current academic year which provides a more detailed explanation of institution-wide prevention and response initiatives will be available in the first term of the 2022/2023 academic year.
- 1.2 University Executive Committee, Audit and Risk Committee, Senate and Council are receiving this paper in full as it is imperative that leaders at the highest level of the institution are informed of the impact SMV continues to have on the University community and to provide assurance that at an operational level this issue is being addressed in line with sector guidance and best practice whilst remaining a strategic priority. **Appendix 2** outlines a plan for a prevalence study that aims to further our understanding of how our University community is impacted by SMV to

¹ It is only through the voices of victim-survivors willing to come forward and talk about what has happened that the University is able to access this information. We thank each individual who was able to speak out whether through named or anonymous processes. We hope this work will continue to break down barriers for individuals to come forward and that the University response will help prevent future incidents whilst helping victim-survivors access support.

aid our prevention and response initiatives. **Appendix 3** outlines a plan for a review of the service we provide when responding to reports of SMV.

2. Key Issues and Analysis

- 2.1 As a brief summary of prevention initiatives, we ran all student and staff training online through a combination of self-paced modules, webinars with Q&A sessions and, most commonly, interactive Zoom training sessions. We are proud to report all student courses ran as normal but were modified to be delivered online. Consent education was delivered as a core part of student induction through *Awareness Talks*, the ‘compulsory’ online *Consent Matters* course and peer-facilitated *Consent Workshops*. Key student leaders participated in the peer-facilitated *Active Bystander Course Durham*² and *Responding to Disclosures of Sexual Violence for Student Leaders* training all of which were held via Zoom and remained interactive and well-attended. Train the Trainer sessions were delivered to volunteer and paid facilitators on how to deliver courses safely and effectively via Zoom. Staff training was paused at the start of the year and restarted with the launch of Oracle Learn where staff regained access to the full core training programme and the addition of two new courses: *SMV: Policy Briefing* and *SMV: Domestic Abuse and Stalking Awareness and Disclosure Training*. A more detailed explanation of prevention and response initiatives is provided in the SMVOG Annual Report.
- 2.2 In 2020/21, students and staff had the following ways they could disclose SMV, either through disclosing to staff in their College, their Department, Human Resources, the Counselling Service (including the specialist Rape and Sexual Abuse Counselling Centre [RSACC]), the Student Conduct Office, or online through the Report + Support (R+S) platform³. In addition, students and staff could use the Student’s Union’s (SU) Pincident⁴, which maps anonymous reports of harassment, violence and discrimination in Durham. Having this range of options available to students and staff is purposeful to reduce barriers to disclosures so more victim-survivors can access support as we recognise that there are many internal and external reasons a victim-survivor may feel unable to disclose SMV. However, having multiple ways to disclose, means that collating data on a centralised database is a challenge because it relies on staff who receive a disclosure to ensure they submit a Disclosure Recording Form⁵ for any disclosures they receive. If this is not submitted, we do not have a central record of the disclosure, so it would not be included in this data set. Therefore, our central records are likely to be underestimates of the actual total number of reports.
- 2.3 This paper includes a discussion of data recorded on the centralised database, the R+S platform, and data from RSACC. Where relevant data from the SU’s Pincident is discussed for comparison. Analysis of the data from the 2020/21 academic year revealed the following trends:
- 2.3.1 The number of disclosures recorded was relatively the same, increasing slightly from the previous year from 124 to 131 (See **Appendix 1**, Table 1 and Figure 1) and it is expected that these numbers indicate SMV remains underreported. The 131 disclosures include 28 anonymous reports made on the R+S platform. For comparison, 21 anonymous reports were made on Pincident (not included in this data). It is notable that at Durham only a minority of cases are reported anonymously (21%). However, unlike the year before, disclosures were made consistently throughout the year. In the previous year we had received most disclosures in the first half of the year and saw a

² The Active Bystander Course Durham is delivered in partnership with the Students’ Union who do a truly outstanding job on appointing and supervising peer-facilitators and scheduling and delivering each course.

³ See <https://reportandsupport.durham.ac.uk/>

⁴ See <https://www.durhamsu.com/pincident>

⁵ The *Staff Disclosure Recording Form* is available in the Related Links box on all SMV Prevention & Response webpages, available for download on the [SMV Prevention & Response Resources Teams Channel](#), or available by requesting one from the Student Conduct Office (student.cases@durham.ac.uk). It is important to note this form can be submitted by keeping the Reporting and/or Responding Party anonymous. All staff have access to SMV: Awareness and Disclosure Training (Level 1) where staff learn how to respond to disclosures (appropriate to their role) and how to use the form.

significant decline in disclosures at the start of the pandemic. When we compare the disclosures to the number of students and staff and expected prevalence rates in university communities (see NUS, 2011; NUS, 2018), the numbers of reports relative to likely prevalence, remain very low (albeit in three digits). We had 118 disclosures made by students and 7 made by staff. In 2020/21 there were approximately 20,268 students and 4,300 staff, meaning 0.58% of students and 0.16% of staff disclosed being subjected to SMV. Prevalence levels are likely to be considerably higher.

- 2.3.2 There continues to be a significant gap between disclosures and reports made to the Police and/or University (See **Appendix 1**, Figures 7 & 8), but this gap is reducing for the first time. Reporting Parties have the choice as to how to take forward a disclosure and can report to the University, Police, both, or seek support only. Many choose to access support only, and our trauma-informed and survivor-led approach means we are respectful of these choices. Some do not feel able to report for the reasons highlighted in Figure 8. During the 2019/20 academic year only 17% of those who disclosed SMV formally reported to the University, but during the 2020/21 academic year 35% of those who made a disclosure also made a formal report to the University. This is very positive to see an increase in trust in the institution to be able to respond to formal reports of SMV. This change may be of a result of having an online reporting platform that is better signposted (R+S) and the use of full-time professional investigators who are able to conduct investigations in shorter periods than our trained staff volunteer investigators were able to do when also working a full-time job.
- 2.3.3 **There was an increase in receiving multiple formal reports by different Reporting Parties against the same Responding Party.** Internationally, research shows that serial perpetration is common in student and staff sexual violence within universities (Towl and Walker, 2019; Humphreys & Towl, 2020). When disclosures are made at Durham, Reporting Parties often refer to knowing others who have been subjected to SMV by the Responding Party. Reporting Parties also often say they are putting in a disclosure in case someone else chooses to make a report, but they are not willing to make a report if they are the only one as they often fear retaliation by the Responding Party or their friends/colleagues. Due to General Data Protection Regulation (GDPR) we think that we are unable to inform Reporting Parties if a Responding Party has been named in multiple disclosures or reports. Thus, it is very difficult to help those individuals go on to make a named report if they think they are alone, but in fact are not. In the 2020/21 academic year we had 7 Responding Parties that had multiple formal reports against them made by a total of 18 women students. This emerging apparent trend in our reported data, which does not include disclosures/anonymous reports, demonstrates serial perpetration is likely and indicates the importance of continuing to remove barriers to reporting. The burden is on us to ensure that perpetrators do not begin or continue to harm the community. Clearly this burden should not be on Reporting Parties to manage.
- 2.3.4 We continue to receive very few disclosures and reports made regarding staff SMV which indicates potential barriers to disclosure and reporting resulting in underreporting in this area based on sector prevalence expectations (ONS, 2021; NUS 2018). Staff sexual misconduct represents 3% (n=131) of the disclosures received during the 2020/21 academic year, a decrease from the previous year of 6% (n=124). How universities manage staff SMV has been in the spotlight this year with the Al Jazeera (2021) *Degrees of Abuse* documentary. It may well be prudent to consider recent sector guidance, e.g., ACAS (2021), The 1752 Group & McAlister Olivarius (2020), and the guidance from UUK which is due to be published in March 2022 on how to manage reports of staff SMV to consider if we are following best practice. Likewise, our funding bodies such as Wellcome Trust (n.d.) also have expectations for how we manage SMV, bullying, and harassment on any funded research project.

2.3.5 The timescale for completing investigations into reports against students under the SMV Policy has decreased significantly improving to now be in line with best practice guidelines. During the 2020/21 academic year we appointed two full time Senior Investigating Officers to the Student Conduct Office primarily to investigate reports against students made under the SMV Policy. In the 2019/20 academic year, we averaged 148 calendar days to complete an investigation. Our overall average for completed cases⁶ in the 2020/21 academic year improved to 93 calendar days which includes the start of the year when we continued to rely on staff volunteer investigators who conducted investigations in addition to their normal day job. Once both Senior Investigating Officers were in post in April 2021, our average to complete cases from the date the report was confirmed to the date the investigation report and outcome was available was 78 calendar days. This has provided a significant and positive shift in being able to manage students' expectations of how long an investigation may take. The specialist case managers are now able to inform the Reporting and Responding Parties in cases against students that the investigator's aim is to complete the investigation in 90 days which is in line with best practice standards (OIA, 2018). For reports made against members of staff, trained staff volunteer investigators are used, and timings differ.

2.4 **Strategic Context:** In 2015/16, the Sexual Violence Task Force (SVTF) set the strategic vision that Durham would become "*a University community where survivors are supported while we strive to eliminate sexual violence.*" The Sexual Misconduct and Violence Operations Group's (SMVOG) role is to operationalise this vision by ensuring that prevention and response initiatives addressing SMV are embedded within the University for students and staff. The SMVOG actively monitors progress on key initiatives while continuing to implement new recommendations and best practice identified across the sector. This work supports the wider University Strategy and recommendations of the Respect Commission. This work helps ensure that staff and students are treated equally, fairly and with respect. To provide students with a wider student experience that is as good as any in the world includes ensuring students can access their studies free from harassment, discrimination, and violence.

2.5 **Financial & Resource Implications:** We note that resource for responding to SMV and engaging in culture change and prevention initiatives remains critical in this area. Investigations into reports of potential breaches of the SMV Policy require staff time and expertise for specialist case management, risk assessment, support for Reporting and Responding Parties, investigations and disciplinary proceedings. Training remains vital and student and staff engagement is crucial. There are additional prevention activities we would like to pursue if resource was made available, such as a university-wide campaign, delivering prevention activities through different activities beyond formal training, and increasing support available to make it more accessible to the diverse groups of student and staff we have at Durham.

2.6 The Rape & Sexual Abuse Counselling Centre (RSACC) provides specialist counselling within the Counselling and Mental Health Service to students and staff of all genders. This service is provided by counsellors whose hours combined were increased during the 2020/21 academic year from 0.7 FTE to 1 FTE. Due to this increase RSACC was able to provide specialist counselling to 46 University clients during this period, an increase from 29 the year before. It is worth noting that the funding for 1 FTE coverage has continued during this academic year and at the time of writing this report at the beginning of February 2022, there is a waiting list of 7 clients for this service. This service continues to be used at capacity each year even when resource is increased demonstrating how important it is for our community. And the service is already rationed insofar as we only offer it to those who disclose recent SMV, not historic abuse.

⁶ There is a set of cases that are related that are ongoing and outside this timeframe; however, there are exceptional circumstances outside the University's control for why this set is delayed which do not represent usual practice.

This is an area where we remain institutionally vulnerable in terms of this specific aspect of our service to students and employees who summon up the courage to come forward.

- 2.7 **Social Responsibility:** The Sexual Misconduct and Violence Policy acts to prevent and respond to sexual misconduct and violence within our community to further uphold the expectation that all members of the University community (staff and students) will treat each other with respect as per our Responsible University Statement.
- 2.8 **Legal, Regulatory, Policy or OfS Compliance:** The University has obligations under the Public Sector Equality Duty of the Equality Act 2010 and the Human Rights Act 1998 to ensure that students and staff are able to study and work in environments free from discrimination and harassment (EVAW, 2015; UUK, 2019; OfS, 2021). The United Nations identifies sexual violence as a breach of human rights (UN Women, 2018). SMV can be experienced by any individual, regardless of gender, sexual orientation, relationship status, age, disability, faith, ethnicity and economic status. It is noted that women, individuals with disabilities, and individuals in the LGBT community are disproportionately subjected to sexual violence; individuals may also be targeted on their ethnicity, race and/or faith (UUK, 2016). The Office for Students' (2021) *Statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in Higher Education* has 7 expectations universities are asked to meet. These expectations are built on the principle that "all students registered at a provider, however and wherever they may be studying, should be protected from harassment and sexual misconduct from other students, staff and visitors" (para 2). This annual trend monitoring reports supports Expectation 2(b). Some institutions have sought to ban staff student sexual relationships in view of the power inequalities and hence greater vulnerability for abuses of power e.g., UCL.

3. Consultation and previous committee consideration

- 3.1 The data for this paper was gathered from the following areas of the University: the Student Conduct Office (primary source), the Equality, Inclusion and Diversity Unit (who manage the Report + Support platform), Human Resources, the Counselling and Mental Health Service, Durham Students' Union, the Rape and Sexual Abuse Counselling Service, the Department of Sociology, and the Sexual Misconduct and Violence Operations Group.

4. Next Steps

- 4.1 The reported data of disclosures and reports made by students and staff of any form of sexual misconduct and violence will continue to be collected, monitored and analysed on an annual basis to inform university-wide prevention and response initiatives which are a strategic priority.
- 4.2 A climate survey led by Prof Catherine Donovan in the Department of Sociology through an international partnership will be conducted during the 2022/23 academic year to provide the University with estimated prevalence data. This will help us more fully analyse the reported data we already collect and what this means for how our students and staff are impacted by SMV and how our prevention initiatives may be impacting this (See **Appendix 2** for full details).
- 4.3 This report in full will be/has been shared with (UEC 22 March); Audit and Risk Committee (24 March), SASC (7 April). Senate (26 April) and Council (10 May) for assurance purposes in line with expectations set by the Office for Students (2021).

Appendix 1

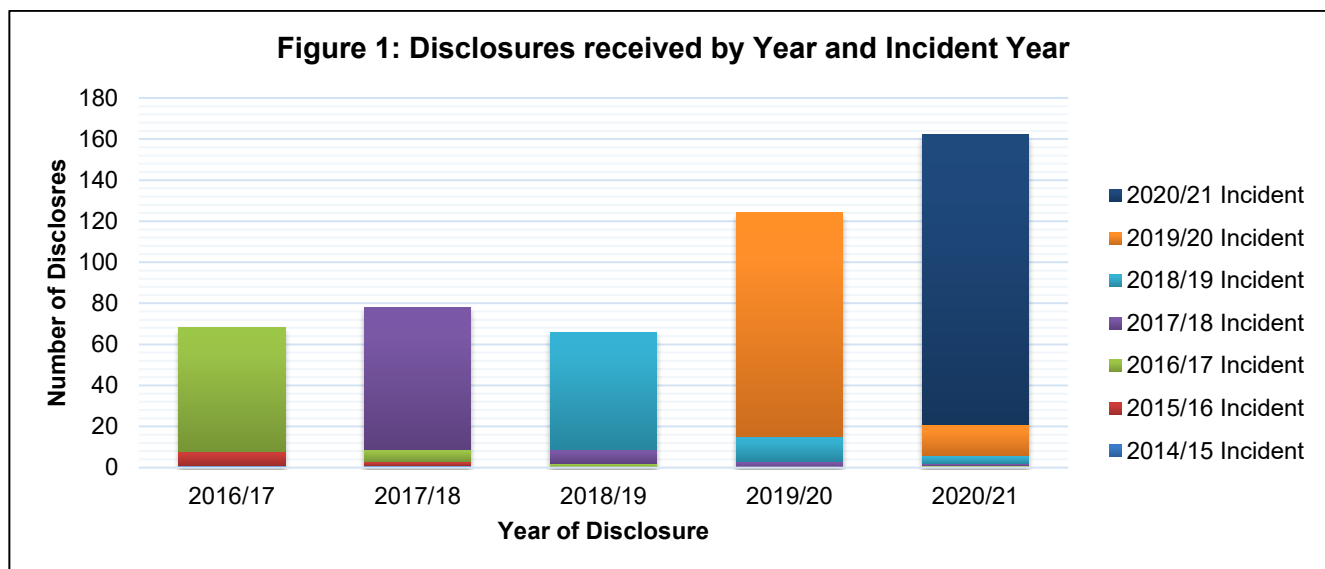
Disclosures and Reports of Sexual Misconduct and Violence: Data and Discussion

This appendix provides data on disclosures and reports of sexual misconduct and violence (SMV) and related policy breaches as defined in section 4.2 of the Sexual Misconduct and Violence Policy⁷ (SMV Policy) received during the 2020/21 academic year.⁸ Data from the 2014/15 to 2019/20 academic years will be included where relevant for comparison purposes. This information will continue to be made publicly available to respond to Freedom of Information requests and for transparency purposes for the University community as agreed by the UEC in December 2019.

1. Disclosures & Anonymous Reports

1.1. This first section presents information on disclosures and anonymous reports made by students and staff which were anonymously recorded centrally for trend monitoring purposes to help improve prevention and response initiatives. The anonymous reports were made on the Report + Support (R+S) platform. Disclosures were received by staff in Colleges, Departments and centrally in the University. As a reminder, disclosures and reports are separate actions under the SMV Policy. A disclosure involves an individual choosing to tell anyone who is part of the University community about their experience of SMV.

1.2. **Number of Disclosures:** The Student Conduct Office recorded 131 disclosures during the 2020/21 academic year, including 28 anonymous reports made on the R+S platform. This was a slight increase from the previous year where we recorded 126 disclosures. Following previous trends, we continue to see some delay in disclosures with some incidents being disclosed years later. From a trauma-informed approach, we acknowledge that delayed reporting is expected due to internal and external barriers to disclosure (Humphreys and Towl, 2020). Figure 1 illustrates when we have received disclosures compared to when the incident occurred.



1.3. **Demographics:** The majority of Reporting Parties are undergraduate women. The majority of Responding Parties are undergraduate men. This trend has been observed for the last 7 years. Table 1 and 2 provide the full details of the genders and relationship to the University

⁷ To access the Sexual Misconduct and Violence Policy and related procedures, please see: www.dur.ac.uk/sexualviolence/policies

⁸ Under section 40 of the Freedom of Information Act 2000 (personal data) the University cannot release information that may identify individuals. Therefore, figures which total fewer than five will be stated as '<5' / less than 5.

for individuals involved in disclosures and anonymous reports. In 2020/21 academic year we had 15,951 undergraduate students, 4,902 postgraduates (distance learners not included), and approximately 4,300 employees. Where we know the status of the Reporting Party, we found 0.71% of undergraduates, 0.10% of postgraduates, 0.16% of staff disclosed being subjected to SMV. Where we know the status of the Responding Party, 0.50% of undergraduates, 0.16% of postgraduates, and 0.06% of staff were reported to have perpetrated SMV.

1.4. We note in the 2020/21 academic year we had 7 Responding Parties (all men) that had multiple formal reports against them made by a total of 18 women students. We also continue to see group misconduct each year, where one incident involves multiple Responding Parties and to date (since 2014/15), this has always been a group of students who are men.

| Table 1. Affiliation of Reporting Parties and Responding Parties to the University for incidents disclosed or anonymously reported during the 2020/21 Academic Year | | | | |
|--|------------------------|------------|--------------------------|------------|
| Affiliation to Durham University | Reporting Party | | Responding Party* | |
| Undergraduate | 113 | 86% | 81 | 67% |
| Postgraduate | 5 | 4% | 8 | 7% |
| Group of Students | 0 | 0% | <5 | 1% |
| Staff or Contracted Employee | 7 | 5% | <5 | 3% |
| Not Affiliated with Durham University | <5 | 3% | 11 | 9% |
| Anonymous/Unknown | <5 | 2% | 15 | 13% |
| Total | 131 | | 120 | |

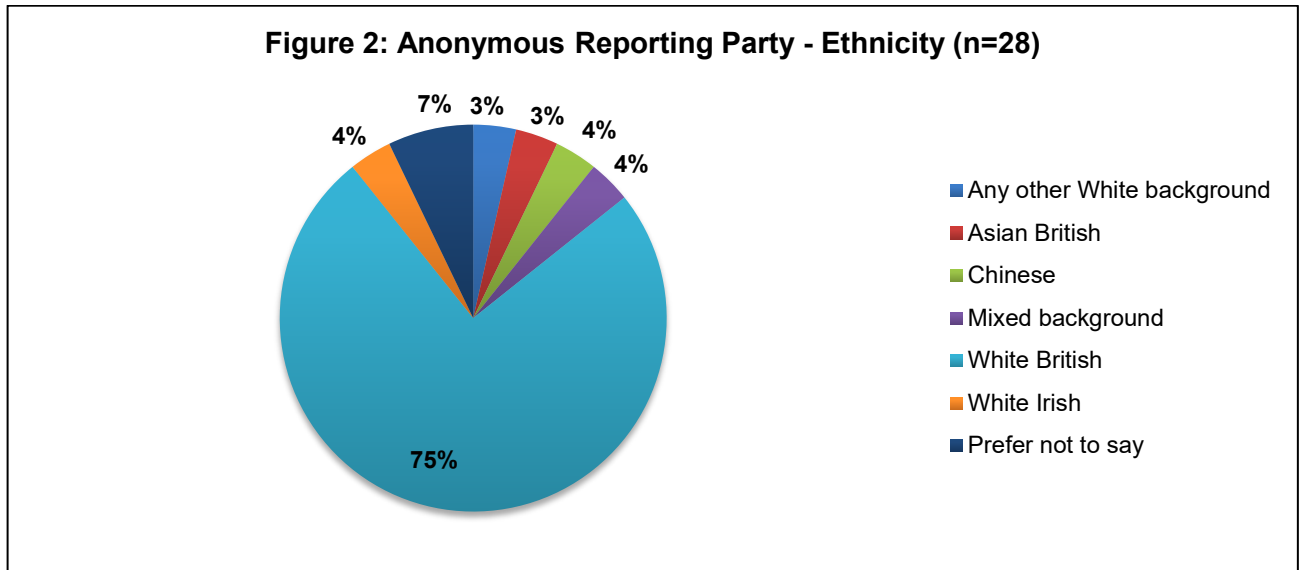
*Responding Parties who were reported multiple times are only counted once.

| Table 2. Gender of Reporting Parties and Responding Parties in incidents disclosed or anonymously reported during the 2020/21 Academic Year | | | | |
|--|------------------------|------------|--------------------------|------------|
| Gender | Reporting Party | | Responding Party* | |
| Woman | 112 | 85% | <5 | 2% |
| Man | 16 | 12% | 93 | 77% |
| Non-Binary/Transgender | <5 | 1% | 0 | 0% |
| Anonymous/Unknown | <5 | 2% | 25 | 21% |
| Total | 131 | | 120 | |

*Responding Parties who were reported multiple times are only counted once.
Group misconduct is not included in this Table; although we note all group misconduct reported to date has been by groups of men.

1.5. The R+S platform allows the individual making the report to self-identify and select their own demographics. Within this tool there is not an option to capture demographics of the perpetrator. The Student Conduct Office does not currently have tools to capture demographics for the Reporting and Responding Parties beyond what is available within the R+S tool. Therefore, the next set of demographics shown in Figures 2 to 5 represent the Reporting Parties for anonymous reports (n=28) made on the R+S platform only. This is about a fifth of the data set. The reasons why someone has chosen to report anonymously online compared to those who have disclosed in person may be impacted by an individual's protected characteristics. There is further discussion on reasons for anonymous reporting in Section 2.3. Of the Reporting Parties who made online anonymous reports 82% reported being White and 68% reported being heterosexual. Eighty-six percent reported they did not have a disability and 43% did not practice a religion. As this data only refers to the 28 anonymous reports received, it is difficult to compare this to the wider student and staff

population to fully understand whether any communities within the University are disproportionately impacted by SMV.



The above chart only shows ethnicities reported. Additional options on R+S include any other Asian background, any other Black background, any other ethnic group, Bangladeshi, Black British, Black Caribbean, Indian, None of the above, Pakistani, White Eastern European, and White Western European.

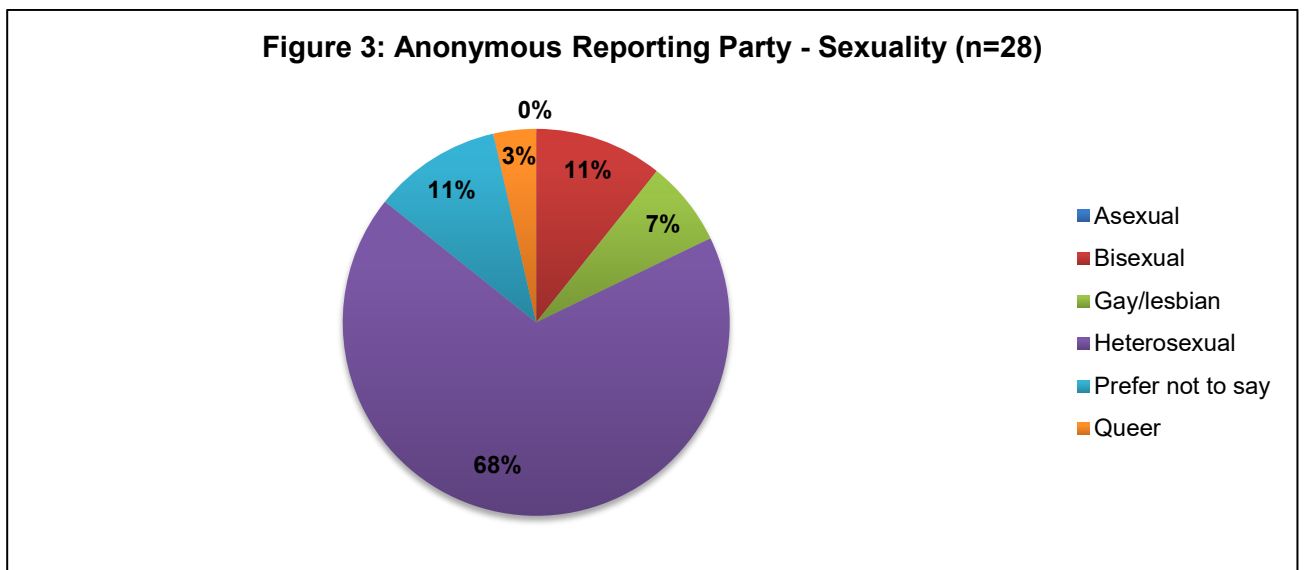


Figure 4: Anonymous Reporting Party - Disability (n=28)

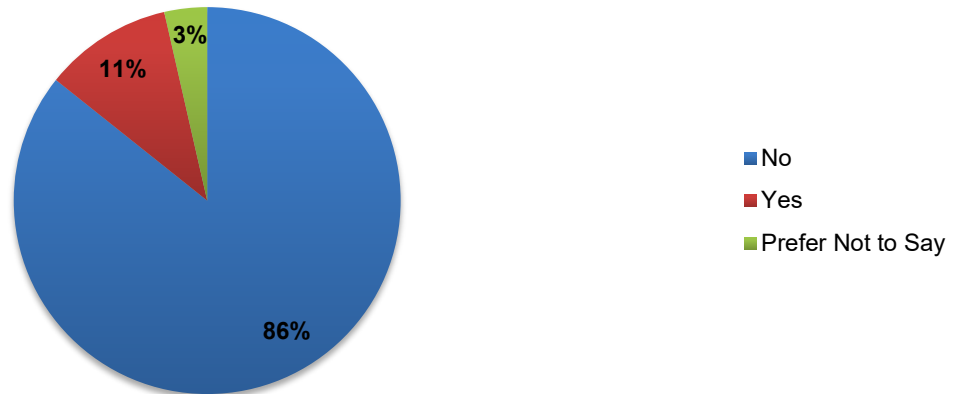
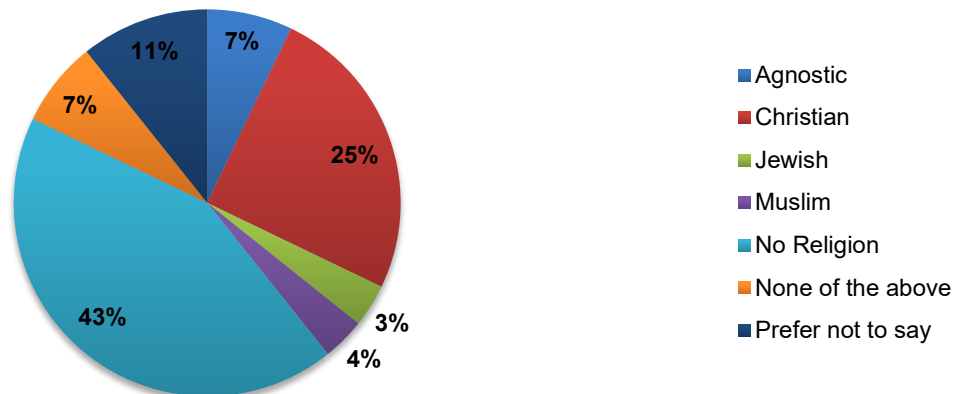


Figure 5: Anonymous Reporting Party - Religion or Belief (n=28)



The above chart only shows religions/beliefs reported. Additional options on R+S include Buddhist, Hindu, Sikh, and Spiritual.

1.6. **Type of Misconduct:** 'Sexual misconduct and violence' is an umbrella term covering a broad range of unwanted or non-consensual conduct of a sexual nature. Since 2014/15, the incidents disclosed have most often been behaviours which might also constitute a criminal offence. The incidents disclosed can include more than one type of SMV (e.g., sexual assault and stalking), which is why the categorisation records 162 incidents from the 131 disclosures made to the University during the 2020/21 academic year. Since the University started centrally recording data on disclosures of SMV during the 2014/15 academic year, there have 520 disclosures which included 607 incidents over that 7-year period.

Figure 6: Type of SMV Disclosed during the 2020/21 AY (n=162)

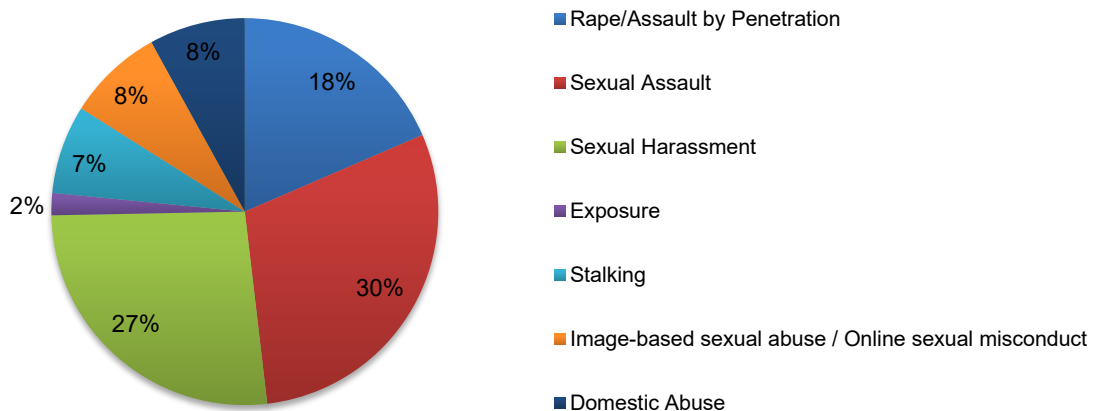


Table 3. Type of SMV disclosed or anonymously reported to the University as defined* under the SMV Policy during the 2020/21 Academic Year†

| SMV Category / Description | TOTAL |
|--|-------|
| Rape/Assault by Penetration / Engaging, or attempting to engage in a sexual act with another individual without consent | 30 |
| Sexual Assault / Sexually touching another person without their consent | 48 |
| Sexual Harassment †† / Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature | 43 |
| Indecent Exposure / Inappropriately showing sexual organs to another person | <5 |
| Stalking / Repeatedly following another person without good reason (including all forms, e.g., Cyberstalking) | 12 |
| Image-based Sexual Abuse ††† / Recording and/or sharing intimate images or recordings of another person without their consent | 13 |
| Domestic Abuse / Domestic abuse and coercive or controlling behaviour is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless | 13 |

| | |
|--|-----|
| of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial and/or emotional abuse. | |
| Total | 162 |
| <p>*Examples of criminal offence labels are also used here as in some cases the disclosures were reported to the Police as criminal offences.</p> <p>† A disclosure may include more than one type of SMV in one incident or a disclosure may include a number of incidents by one Responding Party, e.g., rape and image based sexual abuse in one incident or rape and stalking across multiple incidents by the same Responding Party. Therefore, numbers of disclosures and types of SMV will not match.</p> <p>††This category includes other related forms of SMV, e.g., 'grooming'</p> <p>‡This category includes other related forms on technology facilitated SMV, e.g., online sexual misconduct</p> | |

2. Reports

- 2.1. This section provides information on confirmed **reports** made to the University and/or Police and the actions the University took. A report is the sharing of information with a staff member of the University regarding an incident experienced by that individual for the purposes of initiating the investigation process by the University, as set out in the SMV Policy (different from Disclosure and anonymous reports). Formal reports to the Police are also discussed here.
- 2.2. At a national level sexual violence continues to be underreported based on expected rates of SMV within Higher Education from statistical prevalence studies conducted in the UK and internationally (Towl and Walker, 2019; Humphreys and Towl, 2020; NUS, 2011; NUS, 2018). At this point, it is difficult to assess our prevalence rates from reported data alone⁹. Figure 3 illustrates how many disclosures and reports are made annually. Table 4 shows that the majority of incidents reported are student cases. Table 5 provides the specific data on the University action following a report to the University and/or Police.
- 2.3. In the 2019/20 academic year 83% of incidents disclosed to the University were not formally reported under the SMV Policy. This gap reduced with 65% of incidents disclosed to the University not formally reported under the SMV Policy. We respect the right of individuals subjected to SMV to choose whether to take forward a disclosure to a formal report, but continue to seek feedback from students and staff, improve timescales and reduce barriers to make reporting more accessible to all Reporting Parties.

⁹ A prevalence study (e.g., campus climate survey) will help better understand if our reporting rates are still low. See **Appendix B** for more information.

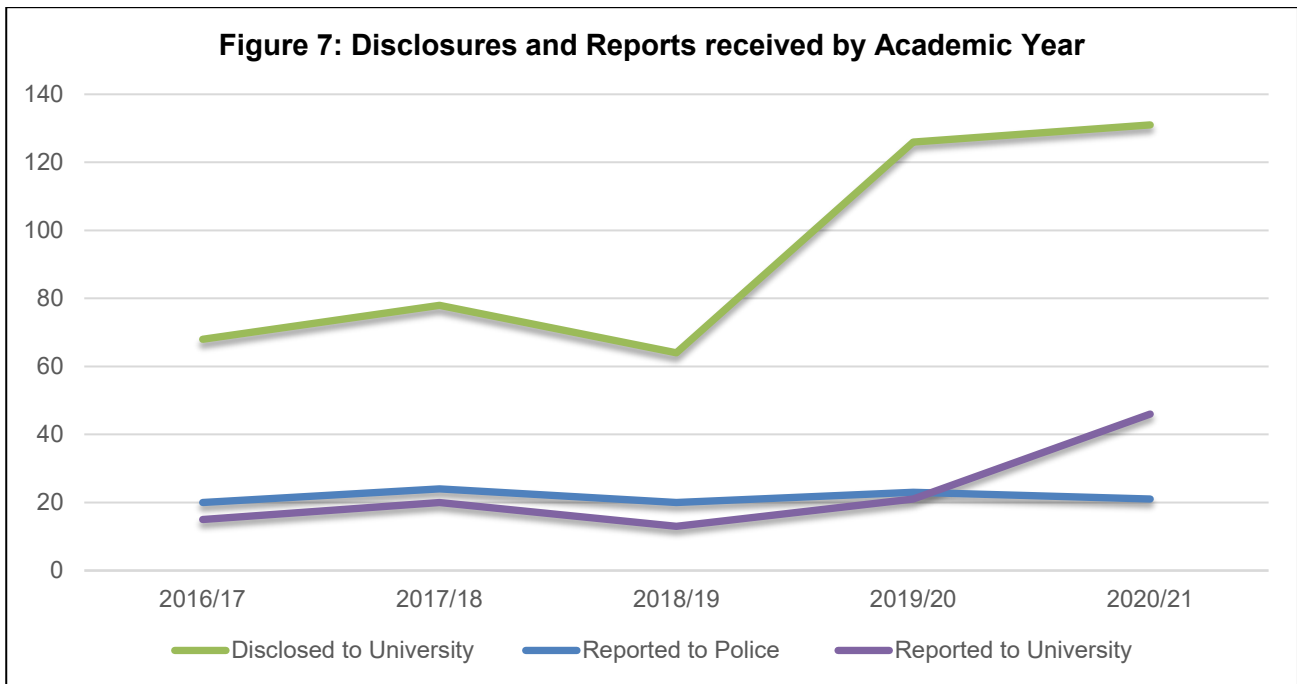


Table 4. Reports made to the University under the SMV Policy during the 2020/21 Academic Year

| Academic Year | Reporting Party | Student | | | Staff | | | Staff | | | Staff | | | |
|---------------|------------------|-----------|----|----|--------------|----|----|--------------|----|----|--------------|----|----|---|
| | Responding Party | Student | | | Staff | | | Student | | | Staff | | | |
| 2019-2020 | Gender | M | W | NB | M | W | NB | M | W | NB | M | W | NB | |
| | RP | <5 | 35 | <5 | 0 | <5 | 0 | 0 | <5 | 0 | 0 | <5 | 0 | 0 |
| | RSP | 39 | <5 | 0 | <5 | 0 | 0 | <5 | 0 | 0 | <5 | 0 | 0 | 0 |
| TOTAL | | 40 | | | <5 | | | <5 | | | <5 | | | |

Key
RP – Reporting Party, individual reporting they were subjected to SMV
RSP – Responding Party, individual reported to have committed the SMV
M – Man **W** – Woman **NB** – Non-binary/Trans

Table 5. University Action Following Formal Reports made during the 2020/21 Academic Year

| Formal Reports | |
|--|-----|
| Reports made to the University* | 46 |
| Reports made to the Police† | 21 |
| Precautionary Measures Imposed during an Investigation | |
| No Contact Arrangement †† | 14 |
| Partial Suspension | <5 |
| Full Suspension | 14§ |
| No Precautionary Measure Required | 0 |
| Responding Party not affiliated with Durham University | <5 |
| Investigation Outcomes following reports made under the SMV Policy | |
| No Further Action | 0 |
| Non-major breach of SMV Policy = Category 1 Discipline Offence | 8 |

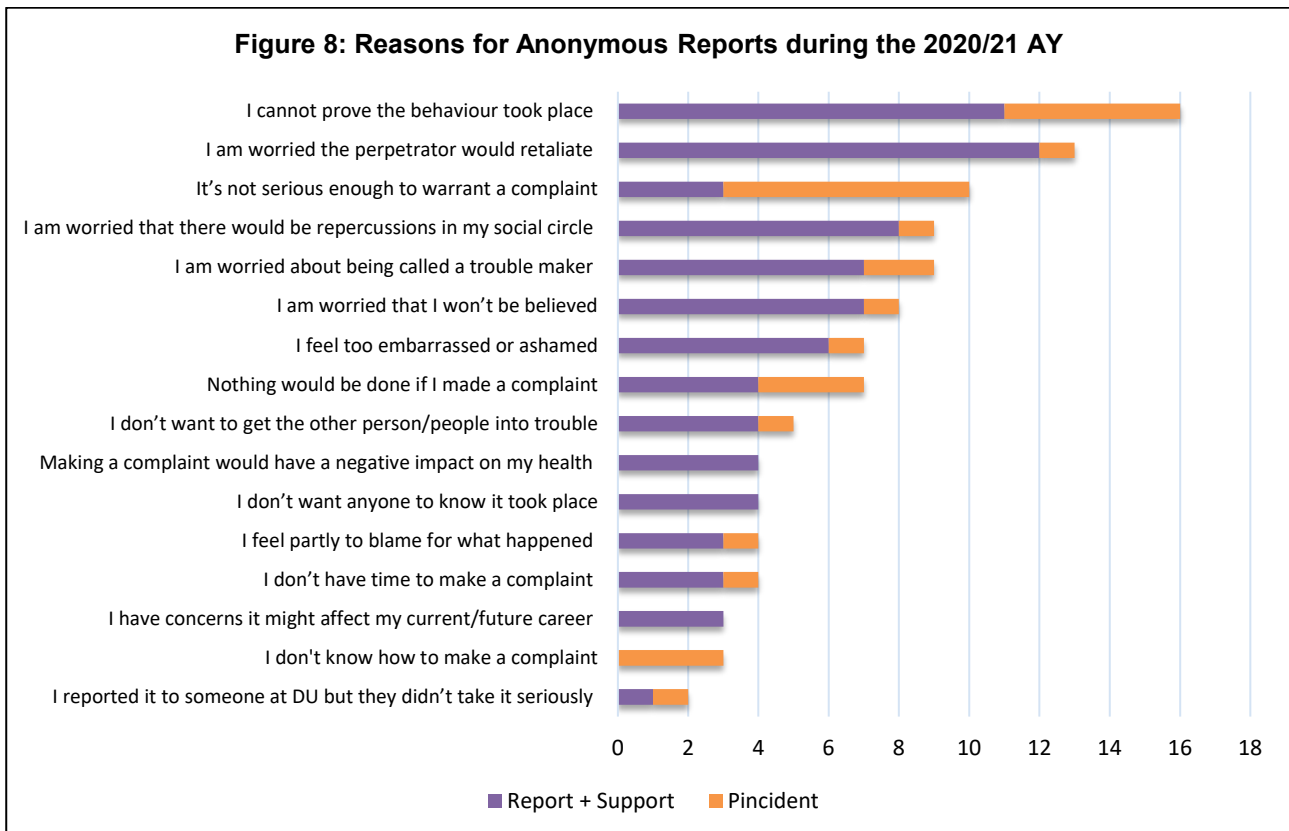
| | |
|--|----|
| Major breach of SMV Policy referred to Senate Discipline Committee as a potential Category 2 Discipline Offence | 21 |
| Report was withdrawn by Reporting Party before investigation began | 5 |
| Referred to HR for Investigation | <5 |
| Student Conduct Office Investigation Ongoing | 6 |
| Student Conduct Office Average Length of Time in Calendar Days from Confirmed Report to Investigation Outcome | 93 |
| Discipline Outcomes under the Non-Academic Misconduct Disciplinary Procedure | |
| Referred back to the Authorised University Officer (Investigator) as a Category 1 Offence | 9 |
| Category 2 Offence founded | 9 |
| Responding Party withdrew prior to completion of investigation/disciplinary procedure | 5 |
| Sanctions Imposed on Students | |
| Expulsion | <5 |
| Exclusion for 1 year | <5 |
| Other Sanction (e.g., No Contact Order, Formal Reprimand, Requirement to Change College Membership, etc.) | 23 |
| Discipline Outcomes and Sanctions Imposed on Staff | |
| Dismissal | 0 |
| Other Sanction (e.g., Verbal warning, Written warning, Final Written Warning, Training) | <5 |
| Not Upheld | <5 |
| <p>*Note the reports made to the University will include cases where incidents occurred and were disclosed in previous academic years, e.g., incident date June 2020, disclosure date September 2020, report date October 2020 – the incident and disclosure would be logged for the 2019/20 academic year, but the report and University action would occur in the 2019/20 academic year. Likewise, some cases which were investigated during the 2020/21 academic year, concluded early in 2021/22 academic year, so those conclusions have been recorded here.</p> <p>†Reporting Parties have the option to report incidents to the University, Police, both or to seek support only. Where incidents are reported to the Police, the University will normally suspend any internal investigation whilst the criminal justice process is conducted. The number of reports to the Police includes cases where Reporting Parties are students/staff but the Responding Party is not affiliated with Durham University, meaning that no action would be possible.</p> <p>††No Contact Arrangements are the minimum precautionary measure used for all investigations under the SMV Policy beginning in 2017/18. Therefore, it is only noted here if it was used on its own and not with a further precautionary measures, e.g. partial suspension, as normal practice.</p> <p>§These suspensions were applied to 14 Responding Parties in 21 reports of SMV.</p> | |

2.4. As shown in Figure 7 above, we continue to see a significant gap between disclosures and reports made to the Police and/or University. The University has a clear principle in the SMV Policy that we will respect the right of the individual disclosing an experience to choose how to take forward a Disclosure (2.1.4). However, it is very important to understand why students and staff choose not to report as this may help understand barriers to disclosing as well. In the *SMV: Awareness and Disclosure Training (Level 1)* and *SMV: Disclosure and Awareness Training (Level 2)* for staff, learners identify barriers to disclosures and consider ways to remove barriers in their local areas of the university for our diverse community of students and staff. The following data shown in Figure 8 is from the R+S platform and the SU's Pincident programme which presents reasons why a victim-survivor chose only to make an anonymous report. It should be noted that anonymous reports have no free-text option¹⁰, so there is no information that can be gathered about the incident, Responding

¹⁰ Many Higher Education Institutions offer a free-text section in their anonymous reporting section of the Report + Support tool.

Party, potential risk, or any other information that the University may be able to use to mitigate risk within the community.

Figure 8: Reasons for Anonymous Reports during the 2020/21 AY



2.5. As we saw in the 2019/20 academic year, victim-survivors continue to worry that they cannot prove the behaviour took place and this is the most common reason for making an anonymous report. In the 2020/21 academic year, concerns that the perpetrator may retaliate moved up from the 4th position into the 2nd most common reason. It's not serious enough to warrant a complaint was the third most common reason for making an anonymous report. When reviewing these, we found this included verbal sexual harassment, sexual assault and stalking anonymous reports all of which are outlined as forms of misconduct within the SMV Policy.

2.6. The SMV Policy confirms University decisions are made using the civil standard of proof, **the balance of probabilities**, and the burden of proof is on the University, not the Reporting or Responding Party. The SMV Policy clearly outlines retaliation by any party, including friends, family and colleagues of a Responding Party, is not tolerated. Our Policy already addresses the top 3 most common reasons Reporting Parties felt unable to make a named report. Therefore, we need to consider is this information communicated, is there trust in the university to be able to manage these issues, and if not, how do we fix this?

3. Support

3.1. The figures above represent the numbers of cases centrally recorded by the Student Conduct Office. The numbers alone do not represent the complexity of the individual cases and the amount of resource required to support Reporting Parties, Responding Parties and witnesses through internal and external investigation proceedings and beyond formal processes.

3.2. The Counselling and Mental Health Service (CMHS) supports Responding Parties and Reporting Parties alongside the specialist counsellors from the Rape & Sexual Abuse Counselling Service (RSACC) available for Reporting Parties. A representative from the CMHS attends each Initial Review Meeting following a formal report to the University/Police

to discuss support needs for both parties. The CMHS then offers optional separate 30-minute appointments for student Reporting and Responding Parties at the end of each University SMV investigation usually one/two days after they receive the outcome from the Student Conduct Office to provide a space for each party to process the outcome and seek support.

- 3.3. During 2020/21, RSACC provided specialist counselling to 46 University students offering 593 sessions during this period of which 461 were completed (cancellations included illness, annual leave and 10 sessions where a client did not attend and did not give notice). This is an increase from the previous year when RSACC provided specialist counselling to 29 University clients. Of the 46 clients, 7 did not engage with the service attending 0-2 sessions only. On average, clients who did engage in the service received 11 sessions of the 20 sessions available to them. The service is also available to staff, but no staff access the service during that academic year. This data does not include University students/staff who may engage in the service by accessing it directly through RSACC rather than using the internal RSACC provision.
- 3.4. This data only reflects disclosures related to SMV which occurred while students/staff were members of the University community regardless of the location of the incident. This data does not reflect students and staff dealing with historic sexual violence and abuse and other forms of gender-based violence who also require support whilst they are members our communities.
- 3.5. Over the past year, we have noted specific areas for improvement including how we support students on study abroad/work placement and staff on international research. During the 2020/21 academic year, we delivered the first Responding to Disclosures of Sexual Violence from Abroad course to MLAC staff, supported rewriting the student study abroad handbook, and delivered a safety briefing to students before going on study abroad.
- 3.6. Sexual misconduct and violence and other forms of gender-based violence are costly to our community both in impact on the individual (emotional, psychological, physical and practical short-term and long-term effects) and the wider University community as a place of study, workplace and temporary home to many students, and, of course, as a business.

Appendix 2

Climate Survey for Prevalence Data

1. Rationale for a climate survey

- 1.1 Durham University (DU) has been a leading university in the Higher Education sector in both pre-empting many of the recommendations from the Universities UK [UUK] (2016) report *Changing the Culture* and ensuring sustainability of the implemented recommendations.
- 1.2 Currently, DU only has access to reported data collected by the Student Conduct Office and reported on annually through this report. There is no prevalence data available on students subjected to sexual misconduct and violence (SMV) whilst they study at DU. This means that we are not in a position to evaluate the effectiveness of the work done to address SMV. This includes:
 - 1.2.1 Having a baseline of prevalence against which we can see, over time, whether prevalence is positively impacted (i.e., decreases) at DU;
 - 1.2.2 Having a baseline of reporting/help-seeking amongst students against which we can see, over time, whether students are aware of the efforts made by DU to prevent and respond to incidents of SMV; and
 - 1.2.3 Having a baseline of students' perceptions of DU's efforts in this area against which we can see, over time, whether they increasingly are aware of the range of policies and practice that exists in DU.

UUK (2016) recommends that universities include evaluation of the effectiveness of their efforts to implement the Report's recommendations and to draw on evidence to underpin what interventions are put in place.

2. Conclusions

- 2.1 One next step for DU in our work to prevent and address SMV is a climate survey to gather baseline data on prevalence of SMV.
- 2.2 We are joining the International Research Project, iMPACTS, to conduct research into students' victimisation by sexual violence and harassment, their help-seeking and awareness and use of their university's services. We are collaborating with the universities of Manchester Metropolitan University (Professor Khatidja Chantler) and Birmingham (Prof Caroline Bradbury-Jones) to ensure that the research tools are culturally appropriate for the English context. Our involvement with the project is over three years. We will be conducting a climate survey in November 2022. We are currently waiting to receive the iMPACT survey tool and the McGill Ethical approval in order to submit this part of the research for ethical approval.
- 2.3 In our first year we conducted a qualitative study of students' experiences of risk and safety in student bubbles; and this year we are conducting a qualitative study of the perceptions of minoritised students about their understanding of and help-seeking for sexual violence and harassment; and the views of university staff about the needs of minoritised students victimised by sexual violence and harassment. This study is currently being submitted for ethical approval.

This appendix was authored by the lead for this project:

Professor Catherine Donovan, Head of the Department of Sociology, representative of the Academic Departments on the Sexual Misconduct and Violence Operations Group, and member of the Centre for Research into Violence and Abuse.

Appendix 3

Expert Review

- 1.1 Professor Graham Towl and Professor Tammi Walker are to undertake a multi-method research project to better understand the service we provide from a service user perspective in addition to interviews with specialist staff and reviewing progress and pitfalls since the Sexual Violence Task Force provided its recommendations in July 2016. It is anticipated that this trauma-informed study will provide a research report this Summer in time to further inform our offer from the first term of the 2022/2023 academic year.

This appendix was authored by the lead for this project:

Professor Graham Towl, Associate Pro-Vice-Chancellor (Colleges and Student Experience), Professor in the Department of Psychology, and former Chair of the Sexual Violence Task Force

Appendix 4

References and New Sector Guidance

Along with references made in the paper, this is a list of key publications that focus on best practice that are new since the last Sexual Misconduct and Violence Annual Trend Monitoring Paper was submitted in 2021.

ACAS. (2021). [Handling a sexual harassment complaint.](#)

Al Jazeera. (2021). [Degrees of Abuse.](#)

AVA, Universities UK & NUS. (2021). [Combat Misconduct: A toolkit for vice-chancellors, principals and senior leaders tackling sexual misconduct, harassment and hate incidents in higher education.](#) London, UK.

Culture Shift. (2021). [Exceeding Expectations: A handbook for tackling harassment in higher education.](#)

EVAW. (2015). [Spotted: Obligations to protect women students' safety and equality.](#) Legal Briefing.

Humphreys, C. J., and Towl, G. J. (2020). [Addressing Student Sexual Violence in Higher Education: A Good Practice Guide.](#) Emerald Group Publishing.

NUS. (2011). [Hidden Marks: a study of women students' experiences of harassment, stalking, violence and sexual assault.](#)

NUS. (2018). [Power in the academy: Staff sexual misconduct in UK higher education.](#)

Office for Students. (2021). [Statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education.](#)

Office of National Statistics. (2021). [Sexual offences victim characteristics, England and Wales: year ending March 2020](#)

The 1752 Group & McAlister Olivarius. (2020). [Sector guidance to address staff sexual misconduct in UK higher education.](#)

The 1752 Group & McAlister Olivarius. (2021). [Briefing note no. 3: Precautionary measures on receiving a report on staff sexual misconduct, bullying or discrimination.](#)

Towl, G.J. and Walker, T. (2019) [Tackling Sexual Violence at Universities; An International Perspective.](#) Routledge.

Universities UK. (2016). [Changing the Culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students.](#)

University College Union (UCU). (2021). [Eradicating sexual violence in tertiary education: a report from UCU's sexual violence task group.](#)

Wellcome Trust. (n.d.). [Bullying and harassment policy.](#)